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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,543	11/09/2000	Vikram Singh	GEMS8081.027	5413
27061	7590	10/19/2004	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS) 14135 NORTH CEDARBURG ROAD MEQUON, WI 53097			RUDY, ANDREW J	
			ART UNIT	PAPER NUMBER

3627

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,543

Applicant(s)

SINGH ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

[Handwritten signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2004 and 30 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 11-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Business Center (EBC) at 866-217-9197 (toll-free).

For more information see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private system, contact the Business Center (EBC) at 866-217-9197 (toll-free).

Andrew J.

DETAILED ACTION

1. Claims 1-29 are pending. Claims 11-29 are withdrawn from consideration.
2. Applicant's July 16, 2004 Amendment has been received. It appears papers have crossed in the mail. This is apparent from the Amendment received September 30, 2004. Neither of the Amendments properly address the July 13, 2004 Office Action. Thus, Applicant is requested to consolidate the July 16, 2004 and September 30, 2004 responses to properly respond to the July 13, 2004 Office Action, where claims 1-10 are rejected.
3. Regarding the July 13, 2004 Office Action, paragraph 5 identifies US 6,029,144 issued to Witala. This reference should have been identified as US 6,029,144 issued to Barrett et al. Applicant should respond to the Barrett reference, the entire document.
4. Applicant is cautioned that the proposed September 30, 2004 Amendment does not meet the restriction requirement. The merits of the proposed claims will be determined. Any inquiry concerning this communication should be directed to Andrew J. The examiner can normally be reached at 03-308-7898 p.m.
5. Any inquiry concerning this communication should be directed to Andrew J. The examiner can normally be reached at 03-308-7898 p.m.



Creation date: 10-19-2004
Indexing Officer: THSU1 - TONY HSU
Team: 3600PrintWorkingFolder
Dossier: 09829364

Legal Date: 10-19-2004

No.	Doccode	Number of pages
1	CTFR	6
2	892	1
3	FWCLM	1
4	SRFW	1

Total number of pages: 9

Remarks:

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